

Doc. 702365

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:	)	Before the Examiner:
Eisermann et al.	)	Jessica R. Baxter
	)	
Application Serial No. 10/620,529	)	Group Art Unit: 3733
	)	
Filed: July 16, 2003	)	Ref. No.: MSDI-503/PC635.02
	)	
INTERVERTEBRAL PROSTHETIC JOINT	)	August 11, 2006

**RESPONSE TO NON-FINAL OFFICE ACTION**

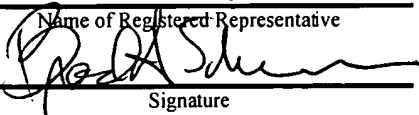
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated May 11, 2006, please enter and consider the following amendments and remarks. No extension fees are believed to be due with regard to the filing of this Response. However, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

08/14/2006 HLE333 00000059 10620529

01 FC:1201 400.00 OP  
02 FC:1202 50.00 OP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:	
August 11, 2006	_____
Date of Deposit	_____
Brad A. Schepers	_____
Name of Registered Representative	_____
	_____
Signature	_____
August 11, 2006	_____
Date of Signature	_____

### **INTRODUCTORY COMMENTS**

Claims 41-50 and 61-80 are pending in the subject application. Claims 41-50 and 61-80 have been rejected on the ground of nonstatutory obviousness-type double patenting. Claims 41-46, 48-50, 61, 62, 64-67, 69-74 and 76-80 have been rejected on various grounds. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.